

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **December 16, 2003**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Subdivision, Street Dedication, and Street Naming Request – New Towne, Section 4, Lots 1-30, off Wessex Road**

RECOMMENDATION: Approval of resolution to approve the subdivision, street dedication, street naming and street vacation

SUMMARY:

The preliminary plat deviates from the New Towne Master Plan in the street layout, new street dedication and naming, street vacation and number of lots.

The Technical Review Committee reviewed the preliminary subdivision plat and found that it meets the major Subdivision Ordinance requirements. The Traffic Engineer recommends that Towne Crier Road and Lawton Lane be connected. The developer has agreed to add language to the plat that will insure the connection within two to four years.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager had no concerns with the name of Lawton Lane for the new street.

At the Planning Commission meeting, the representative for the developer voluntarily agreed to the following:

"Upon sale of twelve (12) of the newly created lots or a period of two years after recording of the plat, the Towne Crier Road connector will be bonded and construction will be completed within two years."

PRIOR ACTION(S):

November 12: Planning Commission recommended approval with adding language regarding the Towne Crier Road connector (5-0 with 2 absent)
Planning Division recommended approval

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902
Annette Chenault / 455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Preliminary Subdivision Plat by Acres of Virginia, Inc.
- New Towne Master Plan
- Vicinity Map

REVIEWED BY:

RESOLUTION

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT, INCLUDING THE DEDICATION OF THREE (3) PUBLIC STREETS AND THE NAMING OF A NEW STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the preliminary subdivision plat entitled "Plat Showing Section 4, Lots 1-30, New Towne, Property of Long Meadows, Inc.," made by Acres of Virginia, Inc., dated September 29, 2003 and revised November 3, 2003, subdividing 27.82 acres of land off Wessex Road into thirty (30) lots for residential development, including the dedication of the extension of Wessex Road, and Judd Court and dedicating a new public street, to be constructed in compliance with the above referenced plat, be, and the same is hereby approved and accepted, contingent upon Long Meadows, Inc. obtaining construction bonds and the recordation of an executed subdivision plat.

The failure to file an executed subdivision plat in the Clerk's Office of the Circuit Court for the City of Lynchburg, the failure to file an approved street and utility plan or to obtain the necessary construction bonds with the City, or the failure to construct the streets in accordance with City standards shall render the City's acceptance of the extension of Wessex Road and Judd Court and the new street as a public street to be null and void. Upon the sale of twelve (12) of the newly created lots or within a period of two (2) years after recording the above referenced plat, the Towne Crier Road connector shall be bonded and constructed to completion within two (2) years of either of the aforementioned conditions being met.

BE IT FURTHER RESOLVED, That the name of "Lawton Lane" is hereby approved for the new public street in the New Towne Subdivision.

Adopted:

Certified:

Clerk of Council

206L

THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

804.455.3900

To: Planning Commission
From: Planning Division
Date: November 12, 2003
RE: SUBDIVISION, STREET DEDICATION AND NAMING REQUEST – NEW TOWNE, SECTION 4,
LOTS 1-30, OFF WESSEX ROAD

SYNOPSIS Long Meadows, Inc., property owner, is requesting approval of the subdivision, street dedications and one street name for the proposed *New Towne, Section 4, Lots 1-30*, which would subdivide 7.15 acres into 30 lots for residential development with two residue tracts. The proposed development would be served by an extension of Wessex Road, Judd Court and a new street to be named "Lawton Lane." The project is not in compliance with the New Towne Master Plan that City Council approved on December 14, 1999 in that it proposes a new street layout and new street name.

SUMMARY

City Council approved the New Towne Master Plan on December 14, 1999. The Master Plan proposed subdividing 55.7 acres off McConville Road into 84 lots for residential development. The Master Plan called for the subdivision to be served by three existing public streets and two new public streets. Section 4 of the Master Plan proposed 31 lots; whereas, the new proposal would have 30 lots.

The new proposal shows the extension of Wessex Road and Judd Court to be developed according to the Master Plan. The existing street, Towne Crier Road, however, was shown on the Master Plan to extend from New Towne Road on the West side of the property to Wessex Road on the East side. The current development shows Towne Crier Road to end in a cul-de-sac on the West side of a watercourse and the City's sanitary sewer easement. What was to be the other end of Towne Crier Road that would connect to Wessex Road is now proposed to end in a cul-de-sac on the East side of the watercourse, and this section of street would be named "Lawton Lane." The Traffic Engineer recommends that the two roads be connected so that each development will have more than one ingress/egress point.

Long Meadows, Inc., has agreed to provide an easement for a 15-foot public biking and walking trail to be dedicated to the City of Lynchburg from the end of the existing Towne Crier Road cul-de-sac to the watercourse and the City's sanitary sewer easement that extends throughout the southern Residue tract and to Blackwater Creek. A forty-foot public biking and walking trail easement also has been provided along Blackwater Creek on the south side of the property.

The Technical Review Committee reviewed the preliminary subdivision plat and found that it meets all of the major Subdivision Ordinance requirements.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager have no concerns with the name of "Lawton Lane" for the new street.

Planning Division recommends approval of the subdivision, street dedications and naming request.

REQUIRED ACTION

Consideration of the Planning Division's recommendation.

BACKGROUND

Mr. Thomas C. Brooks, Sr., Acres of Virginia, Inc., represents Long Meadows, Inc. The subject tract of land contains a total of 27.82 acres, of which 7.15 acres would be subdivided into 30 lots for residential development, with two residue tracts totaling 18.98 acres, and 1.69 acres would be dedicated to the City of Lynchburg for rights-of-way purposes.

Most of the property is in an R-3, Medium Density, Two-Family Residential District. A strip of R-C, Residential Conservation District, 50 feet wide on each side of an unnamed watercourse, runs in a northerly-southerly

direction through the property. A strip of the R-C District, 100 feet wide, runs along the north side of Blackwater Creek from its intersection with Tomahawk and Burton creeks eastward through the property.

Access to the lots would be provided by an extension of Wessex Road and Judd Court, both which were shown on the New Towne Master Plan. A new public street to be named "Lawton Lane," with 50 feet of right-of-way, is proposed to extend from Wessex Road approximately 330 feet in a southwesterly direction to its terminus in a cul-de-sac. The Master Plan originally had called for this new street to be an extension of Towne Crier Road.

A 15-foot public biking and walking trail, to be dedicated to the City of Lynchburg, is proposed to extend from the end of the Towne Crier Road cul-de-sac eastward to an unnamed watercourse and a 15-foot sanitary sewer easement in the southern Residue tract. The public biking and walking trail will also connect to a 40-foot wide public biking and walking trail along the north side of Blackwater Creek.

City water and sewer services will serve the property. Utilities for the new development will be located underground.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager have no concerns with the name of "Lawton Lane" for the proposed new public street.

The Subdivision Ordinance requires Planning Commission and City Council review and approval because the subdivision proposes changing the street layout and proposes a new street name.

TECHNICAL REVIEW COMMITTEE COMMENTS

On October 21 the Technical Review Committee (TRC) reviewed a preliminary subdivision plat for the subject property. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final subdivision plat. The TRC made the following comments of significance to the consideration of the requested subdivision:

1. "Submit road, water and sewer plans to the Engineering Division for review."
2. "The Master Plan for this subdivision was approved by City Council on 12/14/99. That Plan indicates Section 4 and Section 5 to have Towne Crier Road as a single connected dedicated street—not two cul-de-sacs. Not connecting Towne Crier Road leaves a large population with only one exit to a thoroughfare."
3. "The Traffic Engineer recommends that the two roads be connected so that each development will have more than one ingress/egress point."
4. "The plat proposes a change in the street layout, number of lots and street name. The plat is not in conformance with the New Towne Master Plan and requires Planning Commission and City Council review and approval."

PLANNING DIVISION RECOMMENDATION

Based on the preceding information and analysis, the Planning Division recommends the following:

That the Planning Commission recommends to City Council approval of the subdivision plat entitled *Plat Showing Section 4, Lots 1-30, New Towne, Property of Long Meadows, Inc.* by Acres of Virginia, Inc., dated September 29, 2003 and revised November 3, 2003 to create 30 lots on 27.82 acres, including two residue tracts and the dedication of rights-of-way 50 feet in width for the public street extension of Wessex Road, the public streets Judd Court and "Lawton Lane," to be constructed in substantial compliance with the preliminary subdivision plat. The acceptance of the extension of Wessex Road, Judd Court and Lawton Lane as public streets is contingent on Long Meadows, Inc., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Wessex Road, Judd Court and Lawton Lane as public streets null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Mr. Thomas C. Brooks, Sr., Representative

Minutes from the November 12, 2003 Planning Commission meeting
These minutes have not been reviewed or approved by the Planning Commission

Long Meadows, Inc., property owner, is requesting approval of the subdivision, street dedications and one street name for the proposed *New Towne, Section 4, Lots 1-30*, which would subdivide 7.15 acres into 30 lots for residential development with two residue tracts. The proposed development would be served by an extension of Wessex Road, Judd Court and a new street to be named "Lawton Lane." The project is not in compliance with the New Towne Master Plan that City Council approved on December 14, 1999 in that it proposes a new street layout and new street name.

Mr. Tom Martin, City Planner, explained that this request was not in compliance with the New Towne Master Plan, which was approved by City Council on December 14, 1999. He continued by saying that the subdivision would also create a road culminating in a cul-de-sac that was approximately 1,700 feet long. He added that Section 24.1-38 of the Subdivision Ordinance stated that minor terminal streets shall not be longer than 1,200 feet to the beginning of the turn around unless approved by the City. He said that based upon further analysis of the subdivision plat, the Planning Division recommends that the right-of-way for the connection of Town Crier Road be shown on the subdivision plat, and upon the sale of 10 of the newly created lots the connection would be bonded and the construction of the connection would be completed within two years. He said part of the land was in the flood plain and would require a Conditional Use Permit to fill in the flood plain to construct that connection. Mr. Martin added that the Army Corp of Engineers, DEQ would have to be involved with the filling in of the flood plain.

Mr. Tommy Brooks, Sr., ACRES of Virginia, Inc., addressed the Planning Commission. Mr. Brooks said that fifteen (15) lots, not ten (10) lots would be sold before the bond would be issued. He said the blue area on the plat represented flood zone. He explained that the area did not have a lot number so it would continue to be under the Long Meadows, Inc. name, and the owner, could build a street after he started selling the property. Mr. Brooks said a wet land assessment would have to be conducted and would involve the Department of Environmental Quality (DEQ), the Army of Corp of Engineers, the Department of Conservation Resources (DCR) and the City of Lynchburg. He said the area at the end of the cul-de-sac was not buildable due to it's location to the flood plain, so the owner, Mr. Howard Mowry intended to give that nine acre site to the City for parks use after the development is built out. He explained that that is why there are no connection roads shown on the plat. He noted that the Section Five map showed the future extension of the street. Mr. Brooks told the Commission that the Engineering Division had already approved the two inlets that could open later for the road. He said that Mr. Martin had some concerns because the connection had not been shown, but the purpose of keeping the nine (9) acres under the Long Meadows name was so the owner could donate it to the City. He said, the fifty (50) feet would be shown on the drawing and would be installed in the future. He added that Mr. Mowry would eventually make the connection, but not until some houses were sold in order to accumulate money. Mr. Brooks said they would fill the flood plain with minimum impact using box culverts. He said they had received estimated on the cost of the instillation, which would be approximately \$200,000, and they did not currently have the money to do that.

Commissioner Echols asked if Lawton Lane was supposed to tie together with Towne Crier Road.

Mr. Brooks responded that that was correct.

Commissioner Echols asked why the topography and drainage had not been shown on the plat.

Mr. Brooks responded that they did not want to wait for several months for approvals before getting started on the development.

Commissioner Echols asked what the City's stand was on that process.

Mr. Martin explained that the City's stand was that the right-of-way would be shown. He continued by explaining that within the subdivision approval upon the sale of "X" amount of the newly created lots that the

connector would be bonded. He said the City would receive a bond for its construction and then it would be completed within two years or the City would call in the bond and build the road.

Commissioner Worthington asked the amount of the bond.

Mr. Brooks said it was between \$180,000 to \$200,000. He continued by saying that the City would contribute to Towne Crier Road as it was being built. He said under the suggestion of the City Engineering Department the City would be paying for the VM2 to beef up the pavement and install a sidewalk along Towne Crier Road through the development. Mr. Brooks said the owner of the development had worked out these details with the former head of the Public Works Department.

Chair Dahlgren asked Mr. Brooks if he would be agreeable to set a time limit on the sale of the lots.

Mr. Brooks asked what kind of a time limit he was thinking about.

Commissioner Flint asked what the maximum grade was on the center line of Towne Crier Road.

Mr. Brooks said that was a twelve percent grade.

Commissioner Echols asked about the slope of the street.

Mr. Brooks responded that it would be about five percent.

Commissioner Echols said he was concerned about what was intended to be done. He said there was no topography shown, and said it should be the Planning Commission's responsibilities to understand where the water runs and the streets are and how people are to get in and out of the development.

Mr. Martin explained that the subdivision was laid out and met all of the requirements of the Subdivision Ordinance with the exception of the length of the road ending in the cul-de-sac. He said the stormwater runoff would be included in the road, water, and sewer plans that would be approved by the Engineering Department when they get ready to build the roads.

Chair Dahlgren said Mr. Martin's point was well taken in that it is the job of the City officials, the professionals, to watch over the development and make sure they are constructed properly.

Commissioner Worthington asked if the portion of the property that would be dedicated to the City would be part of the Blackwater Creek trail system.

Mr. Brooks said they would dedicate forty foot along Blackwater Creek so the City could build a trail if they wished.

Commissioner Echols asked where this trail starts and where it ends, and if it actually tied to the existing Blackwater Creek Trail.

Mr. Brooks responded that in New Towne the trail would start at Section Two and continue through Section Four and Section One. He added that it did not tie into the existing trail system.

Commissioner Flint added that the closest part of the trail was probably in Peakview Park. He said this would probably be part of the regional trail system.

Chair Dahlgren reminded the Commission that Region 2000 was already working to connect all of the trails in the area.

Commissioner Wilkins said the only thing left to resolve was the number of sites that would have to be sold and if there was a time limit involved.

Chair Dahlgren said he thought one-third of the lots should be sold, and would compromise with twelve lots with a two year period of time.

Commissioner Moore said he did not have any problems with twelve lots.

Mr. Brooks agreed to a two-year limit to sell twelve lots.

Commissioner Wilkins confirmed that the bond would have to be purchased after 12 lots were sold or two years, whichever came first.

Mr. Martin suggested adding the following sentence be added to the recommendation to City Council:

“Upon sale of twelve of the newly created lots, or a period of two years after the recording of the plat, the Towne Crier Road connector will be bonded and construction will be completed within two years.”

Mr. Martin confirmed with Mr. Brooks that he was going to show the right-of-way.

Mr. Brooks said he would show the right-of-way on the plat.

Mr. Martin asked Mr. Harter about naming the new street the same name as an existing street .

Mr. Harter said it might be better to name the new section Towne Crier because it was always hard to change a street name after people had lived there for a while and it sounded like the lots would sell pretty quickly. He said this was not a situation the City wanted to create very often, but there would not be two roads with the same name for very long.

Commissioner Wilkins asked if that would be a concern for rescue people.

Mr. Martin said that it could cause some concern.

Ms. Annette Chenault, Planner II, explained to the Commissioners that Mr. Harter was just one of the people who made the decisions on street names. She said the post office and the Emergency Call Center would prefer having two different names for the streets.

After discussion Commissioner Flint made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission recommends to City Council approval of the subdivision plat entitled *Plat Showing Section 4, Lots 1-30, New Towne, Property of Long Meadows, Inc.* by Acres of Virginia, Inc., dated September 29, 2003 and revised November 3, 2003 to create 30 lots on 27.82 acres, including two residue tracts and the dedication of rights-of-way 50 feet in width for the public street extension of Wessex Road, the public streets Judd Court and “Lawton Lane,” to be constructed in substantial compliance with the preliminary subdivision plat. The acceptance of the extension of Wessex Road, Judd Court and Lawton Lane as public streets is contingent on Long Meadows, Inc., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of the extension of Wessex Road, Judd Court and Lawton Lane as public streets null and void. Upon sell of twelve of the newly created lots, or a period of two years after the recording of the plat, the Towne Crier Road connector will be bonded and construction will be completed within two years.”

AYES:	Dahlgren, Echols, Flint, Wilkins, Worthington	5
NOES:		0
ABSTENTIONS:		0